

Arnold B. Calmann (abc@saiber.com)
Katherine A. Escanlar (kae@saiber.com)
SAIBER LLC
One Gateway Center, 10th Floor
Newark, New Jersey 07102-5311
(973) 622-3333 (telephone)
(973) 622-3349 (facsimile)

Thomas J. Parker (thomas.parker@alston.com)
Victoria E. Spataro (victoria.spataro@alston.com)
ALSTON & BIRD, LLP
90 Park Avenue
New York, NY 10016-1387
(212) 210-9400 (telephone)
(212) 210-9444 (facsimile)

Attorneys for Defendant
Mylan Pharmaceuticals Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY,)
Plaintiff,)
v.)
ACTAVIS ELIZABETH LLC,)
GLENMARK PHARMACEUTICALS)
INC., USA, SUN PHARMACEUTICAL)
INDUSTRIES LIMITED, SANDOZ INC.,)
MYLAN PHARMACEUTICALS INC.,)
APOTEX INC., AUROBINDO PHARMA)
LTD., TEVA PHARMACEUTICALS)
USA, INC., SYNTHON)
LABORATORIES, INC.,)
ZYDUS PHARMACEUTICALS USA,)
INC.,)
Defendants.)
Civil Action No. 07-3770 (DMC)(MF)
ORDER GRANTING MOTION TO SEAL
DOCUMENT ELECTRONICALLY FILED

THIS MATTER having been opened to the Court by Defendant Mylan Pharmaceuticals Inc. ("Mylan"), by and through its attorneys, Saiber LLC and Alston & Bird, LLP, in connection with Mylan's Motion to Seal, pursuant to Local Civil Rule 5.3(c), portions of pages i, 2, 3, 5, 14-18, and 21-22 of Mylan's Brief in Opposition to Plaintiff Eli Lilly and Company's Motion for (1) Deferral of Entry of Final Judgment or for an Order to Show Cause with Temporary Restraints and (2) a Temporary Injunction ("Mylan's Opposition Brief"); portions of pages 1-5 of the Declaration of Tony Mauro ("Mauro Declaration"); and portions of pages 6-8, 10, and 12-16 of the Declaration of Harry C. Boghigian ("Boghigian Declaration") filed in support of Mylan's Opposition Brief; and the Court having considered the papers submitted by Mylan in support of the within Motion; and papers submitted by plaintiff Eli Lilly & Company herein in opposition thereto, if any; and the Court having considered and adopted the Declaration of Victoria E. Spataro, Esq., and the Findings of Fact and Conclusions of Law submitted by Mylan in support of the within Motion; and the Court having further found that the standards of Local Civil Rule 5.3(c)(2) have been met and support the sealing of the foregoing Confidential documents and information; and the Court having considered oral argument of the parties, if any; and for the reasons set forth in the record of the proceedings, and for other and good cause having been shown,

IT IS on this 20th day of September 2010;

ORDERED that Mylan's Motion pursuant to Local Civil Rule 5.3(c) to Seal the subject documents and information be and the same is hereby granted; and it is further

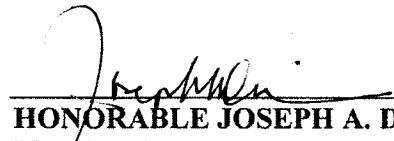
ORDERED that the following shall be sealed:

- Mylan's Opposition Brief
 - Page i, sections (i) through (iii)
 - Page 2, lines 16-17 and line 18 ending at "Because"
 - Page 3, line 9 after "112" through line 10 ending at "D.E. 657"
 - Page 5, line 17 after "2007" through line 19 ending at "Perhaps"
 - Page 14, line 16 ending at "(Lilly Br.)"
 - Page 15, the first column of the table
 - Page 16, lines 12 through line 14 ending at "(See, e.g.,"
 - Page 17, lines 19 through 23 ending at "as the Federal Circuit"
 - Page 18, lines 6 through 8 ending at "(See, e.g.," and lines 18-19
 - Page 21, lines 8 through 12 ending at "See Declaration," line 15 beginning at "drugs" through line 22
 - Page 22
- Mauro Declaration
 - Page 1, paragraph 1 after "subject of"
 - Page 2, line 20 beginning at "market" through line 22
 - Page 3
 - Page 4, lines 1 through 8, line 10 beginning after "time" through line 11 ending at "The," line 15 through 16 ending at "As discussed"
 - Page 5, lines 1 through 5
- Boghigian Declaration
 - Page 6, lines 21 through 22 ending at "The fact"
 - Page 7, lines 2 beginning after "reference)" through line 5
 - Page 8, line 16 beginning after " generic" through line 19 ending at "Even," line 21 beginning at "it" and ending at "(whether"
 - Page 10, line 5 beginning after "ADHD" through line 8 ending at "This," line 16 through line 19 ending at "In my," line 21 beginning after

“damages” through line 23

- Page 12, line 9 beginning after “sales” through line 16 ending at “Indeed”
- Page 13, lines 11 through 13, lines 19 through 22, line 24 beginning after “is” and ending at “again”
- Page 14, line 2 beginning after “revenues” through line 4, lines 7 through 12 ending at “Quite,” lines 14-20
- Page 15, lines 1 through 3, line 7 beginning after “opportunities” through line 12 ending at “So,” line 14 through line 15 ending at “It is”
- Page 16, line 2 beginning after “category” through line 6 ending at “Further”

ORDERED that said documents and information shall be sealed and shall be filed **UNDER SEAL** with this Court.



HONORABLE JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE